

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

WILLIAM J. PFUNTNER, Individually and as
President of WILLIAM J. PFUNTNER, INC.,

ORDER

Plaintiff,

v.

THE VILLAGE OF DANSVILLE,

03 CV 6205L

Defendant.

On August 10, 2005, the motion of the VILLAGE OF DANSVILLE for summary judgment in this matter was duly heard for decision. The Court has considered the papers submitted in favor of, and opposed to the motion, has reviewed the authority cited by the parties, has reviewed the record in the case submitted and cited by the parties, and has considered the arguments of counsel.

IT IS ORDERED, that with respect to Plaintiff's motion to Amend the Amended Complaint dated September 25, 2003, to add William J. Pfuntner, Inc. as an additional Plaintiff is granted; and

IT IS FURTHER ORDERED, that with respect to the Plaintiffs', William J. Pfuntner Jr. and William J. Pfuntner, Inc., first cause of action alleging that the Defendant, VILLAGE OF DANSVILLE, violated 42 USC §1983, there is no genuine issue of material fact, and the Defendant, VILLAGE OF DANSVILLE, is entitled, as a matter of law, to summary judgment on the merits; and

IT IS FURTHER ORDERED, that the Plaintiffs', William J. Pfuntner, Jr. and William J. Pfuntner, Inc., second and third causes of action are dismissed as this

Court declines to take supplemental jurisdiction pursuant to 28 U.S.C. S. 1367(C)(3).

IT IS FURTHER ORDERED that the complaint in its entirety is dismissed.

IT IS SO ORDERED.



DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
August 23, 2005.